THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27647 OF 2005

DATED:27.12.2005

Between:

Smt. Drakshma Venkata Lakshmamma

…Petitioner

And

The District Collector,

Cuddapah District at Cuddapah and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27647 OF 2005

ORDER:

The petitioner is allegedly in possession of Acs.0.10 of land in S.No.606 B1 and 606 B2 of Yarraguntla Village in Kadapa District for the last about twenty-five years. She alleges that she approached the Government for grant of patta in respect of the same land, in vain. However, she constructed house No.2/156-21 in the said survey number and residing there. When there was threat of dispossession and demolition, the petitioner filed Writ Petition No.9436 of 2004 and obtained interim order from this Court directing the respondents not to dispossess the petitioner except in accordance with law. Thereafter, the Gram Panchayat, fifth respondent herein, issued a notice dt.15.12.2005 directing the petitioner to remove the house on the ground that it is situated in Hindu burial ground. Aggrieved by the same, present Writ Petition is filed.

It is not denied before this Court that the notice is issued by the Gram Panchayat keeping in view the observations made by this Court that the petitioner shall not be evicted except in accordance with due process of law. Therefore, the petitioner can as well submit explanation to the fifth respondent to prove her contention. Whether the land in S.Nos.606 B1 and 606 B2 is graveyard and whether the petitioner's application for assignment of patta in respect of the said land is pending, are all matters which can be raised before the Gram Panchayat. If the petitioner is not in possession of graveyard land, revenue authorities may explore the possibility of assigning suitable house site to the petitioner. The petitioner is given liberty to submit explanation within a period of one week and the same shall be considered by respondents 4 and 5 before taking any action against the petitioner for eviction/demolition of the house.

The Writ Petition with the above observations is accordingly disposed of.

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27.12.2005 (V.V.S.RAO, J)

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